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10/672,899

09/26/2003

Rami Caspi

2003P08215US

9572

7590

03/01/2006

Siemens Corporation
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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,899

Applicant(s)

CASPI ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/3/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 11/03/05 have been considered by the examiner (see attached PTO-1449)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 5-16**, are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (US patent Number 6,484,033 B2).

Regarding claim 1, Murray teaches a telecommunications system, comprising:

a plurality of remote clients including a positioning controller and a communications controller, said positioning controller receiving position information and said communications controller communicating said position information (col 1 lines 7-10); and

a server including a coordinating controller for maintaining a database of location-presence rules for remote clients that are being tracked (col 6 lines 31-43); wherein

said location-presence rules are user-configurable from a network client (col 4 lines 60-67, col 5 lines 1-9);

wherein the location-presence rules define user availability on a plurality of use devices (col 8 lines 30-42).

Regarding claim 2, Murray teaches a telecommunications system in accordance with claim 1, wherein said positioning controller receives global positioning network signals for determining a position of an associated network client (col 3 lines 10-63).

Regarding claim 3, Murray teaches a telecommunications system in accordance with claim 2, wherein said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said server (col 3 lines 65-67, col 4 lines 1-8).

Regarding claim 5, Murray teaches a telecommunications system in accordance with claim 1, wherein said remote clients receive said location-presence rules from said server (col 6 lines 21-60).

Regarding claim 6, Murray teaches a telecommunications system in accordance with claim 1, wherein said remote clients transmit current location information to said server (col 6 lines 21-60).

Regarding claim 7, Murray teaches a telecommunications server, comprising:

a presence control unit adapted to receive and maintain presence information for a plurality of users (col 4 lines 60-67, col 5 lines 1-9); and

a location control unit adapted to receive and maintain location information for said plurality of users, said location information correlated with said presence information, said location information being received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col 6 lines 15-31); wherein

presence and location correlation rules are received from one or more network clients operable coupled to said server and associated with said remote users (col 6 lines 15-31);

wherein the location-presence rules define user availability on a plurality of use devices (col 8 lines 30-42).

Regarding claim 8, Murray teaches a telecommunications server in accordance with claim 7, wherein said network clients comprise one or more computers with graphical

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user interfaces including mapping features for setting said presence and location correlation rules (col 6 lines 43-61).

Regarding claim 9, Murray teaches a telecommunications server in accordance with claim 8, wherein said presence and location correlation rules comprise setting location, presence, and contact rules 9col 6 lines 15-61).

Regarding claim 10, Murray teaches a telecommunications server in accordance with claim 9, wherein said location information is received via a global positioning network (col 6 lines 43-61).

Regarding claim 11, Murray teaches a telecommunications server in accordance with claim 10, wherein said location information is transmitted via a cellular telephone network 9col 4 lines 60-67, col 5 lines 1-9).

Regarding claim 12, Murray teaches a telecommunications method, comprising:

receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col 4 lines 60-67, col 5 lines 1-9); and

transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col 6 lines 15-31);

wherein the location-presence rules define user availability on a plurality of use devices 9col 8 lines 30-42).

Regarding claim 13, Murray teaches a telecommunications method in accordance with claim 12, further comprising:

receiving positioning updates at said remote user (col 3 lines 10-60); and
transmitting presence updates to via said server as specified in said one or more positioning and presence correlation rules (col 6 lines 20-60) .

Regarding claim 14, Murray teaches a telecommunications method in accordance with claim 13, wherein said receiving one or more user positioning and presence correlation rules comprises receiving at said server one or more rules set via a network interface device operably coupled to said one or more local controllers (col 6 lines 21-60).

Regarding claim 15, Murray teaches a telecommunications method in accordance with claim 14, wherein said receiving positioning updates comprises receiving one or more signals from a global positioning network 9col 6 lines 43-60).

Regarding claim 16, Murray teaches a telecommunications method in accordance with claim 15, wherein said wireless network comprises a cellular telephone network (col 3 lines 65-67, col 4 lines 1-8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17, is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US patent Number 6,484,033 B2).

Regarding claim 17, Murray fails to teach a telecommunications method in accordance with claim 15, wherein said wireless network comprises a personal communication service (PCS) network. However, the examiner takes official notice that a telecommunications method in accordance with claim 15, wherein said wireless network comprises a personal communication service (PCS) network is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Murray, in order to provide a communication system that operates on different frequencies band.

6. Claims 4, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US patent Number 6,484,033 B2) in view of Rangarajan et al. (US Patent 6,757,544)

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Regarding claim 4, Murray fails to teach a telecommunications system in accordance with claim 1, wherein said network clients include one or more graphical user interfaces (GUI) for inputting geographical information, presence status, and contact information via a mapping feature. However, Rangarajan teaches a telecommunications system in accordance with claim 1, wherein said network clients include one or more graphical user interfaces (GUI) for inputting geographical information, presence status, and contact information via a mapping feature (col 5 lines 5-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Murray, in order to provide a communication system that the user can access one or more of the services enabled by communication node through the use of inputs, and may direct the user through a series of graphical displays, and may also prompt the user for responses to those displays.

Regarding claim 18, Murray teaches an apparatus for setting one or more location and presence correlation parameters for use by remote network devices having positioning controllers for receiving positioning signals and communication controllers for transmitting said positioning signals to a server (col 6 lines 21-60);

Wherein the positing signal comprises global positioning system signals; and wherein the location-presence rules define user availability on a plurality of use devices (col 5 lines 55-67, col 8 lines 30-42). Murray fails to teach a telecommunications system in accordance with claim 1, wherein said network clients

include one or more graphical user interfaces (GUI) for inputting geographical information, presence status, and contact information via a mapping feature. However, Rangarajan teaches a telecommunications system in accordance with claim 1, wherein said network clients include one or more graphical user interfaces (GUI) for inputting geographical information, presence status, and contact information via a mapping feature (col 5 lines 5-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Murray, in order to provide a communication system that the user can access one or more of the services enabled by communication node through the use of inputs, and may direct the user through a series of graphical displays, and may also prompt the user for responses to those displays.

Response to Arguments

7. Applicant's arguments filed 11/03/05 have been fully considered but they are not persuasive.

In response to the applicant's argument "that Murray merely relates to a pager...", the examiner disagree with the applicant's Murray specifically teaches on col 4 lines 1-5, that the device can be mobile cellular telephone.

In response to the applicant's argument that "Murray is not able to set presence rules define user availability on a plurality of use devices", the examiner asserts that Murray teaches a method/mobile cellular phone wherein includes a Global Positioning System (GPS) receiver for determining its current location. The plurality of wireless communication devices 40 calculate their position utilizing signals 81 broadcast from a

GPS system 77 in a manner well known in the art. In addition Murray teaches longitude and latitude of the event location 134 can be determined by previously visiting the event location 134 with a wireless communication device 32 and utilizing the GPS receiver 79 included within the wireless communication device 32 to calculate and store the location coordinates of the specific event location (col 5 lines 55-67, col 8 lines 30-42). Therefore, Murray does teach the location-presence rules define user availability on a plurality of use devices.

Conclusion

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

February 16, 2006


CHARLES APPIAH
PRIMARY EXAMINER